IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 11612 of 2005

Between:

1 P.V.Krishnajee, S/o.Late Venkata Subba Rao,
R/o.Yelamanchill, Visakhapatnam district.
2 P.Satyanandam, S/o.Late Venkata Subba Rao,
Yelamanchilli, Visakhapatnam District.

..... PETITIONER(S)

AND

1 Mandal Revenue Officer, Yelamanchilli, Visakhapatnam District.
2 Revenue Divisional Officer, Narsipatanma, Visakhapatnam district.
3 The District Collector, Visakhapatnam district.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to May be pleased to issue any order, writ or direction more in the nature of writ of mandamus declaring the action of the 1st respondent to interfere with our land without any authority as arbitrary, illegal and violative of article 300A of the Constitution of India and consequently direct the 1st respondents herein not to interfere with our land admeasuring 750Sq.Yds covered by assessment No's 1091,1092,1093 and 1094 situated in S.No.378/2 in Yelamanchili Village, Narsipatnam division, Visakhapatnam District and pass such other order or orders.

Counsel for the Petitioners:SMT.M.BHASKARA LAKSHMI

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

ORDER

This writ petition has been filed by the petitioners who are two in number with a prayer to issue a writ, order or direction more in the nature of writ of mandamus declaring the action of the 1st respondent in interfering with their possession in respect of 750 sq.yards covered by assessment Nos.1091, 1092, 1093 and 1094 situated in S.No.378/2 as arbitrary, illegal and violative of Article 300A of the Constitution of India.

Heard Smt.M.Bhaskara Lakshmi, learned counsel for the petitioners and the learned Government Pleader for Revenue appearing for respondents 1 to 3.

It is the case of the petitioners that their mother purchased
750 sq.yards under different sale deeds and thereafter their mother proposed to construct a 'Marriage Hall'. However, their mother could not complete the construction. While so, the Mandal Revenue Officer, attempted to interfere with their possession and therefore they submitted representations to the District Collector claiming the property. Apprehending high handed dispossession, the writ petitioners have approached this Court by invoking jurisdiction of this Court under Article 226 of the Constitution of India.

Respondents filed counter affidavit. One Sri K.V.V.Siva has sowrn to the counter

affidavit. It is stated in the counter affidavit that the petitioners are not in possession of the property in question and that assessment numbers given in the writ affidavit do not relate to the petitioners and instead they relate to Sri Pudi Lovaraju, S/o. Veerabhadrudu, Smt.Pudi Parvathi, W/o.Nookaraju, Smt. Pudi Parvathi, W/o.Apparao and Sri Kanithi Veerabhadrao S/o.Satyanarayana.

Smt.M.Bhaskara Lakshmi, learned counsel appearing for the petitioners submits that the petitioners' mother purchased 750 sq.yards under various sale deeds between 1953 and 1957. It is also submitted by her that the petitioners' mother also proposed to construct a 'Marriage Hall' but some how she could not complete it during her life time and thus the action of the respondents in interfering with the possession of the petitioners in respect of the site admeasuring 750 sq.yards is wholly unjustified.

Learned Government Pleader appearing for the respondents submits that the petitioners are not in possession of the property and therefore they are not entitled to claim any relief in the writ petition.

As can be seen from the records, the petitioners submitted representations to the District Collector on 28.03.2005 and to the Mandal Revenue Officer on 21.05.2005 detailing their claims over the property. In such a situation, I deem it appropriate to direct the respondents to consider the representations filed by the petitioners and pass appropriate orders within two months from the date of receipt of a copy of this order. Till then, the interim stay granted on 24.05.2005 shall be continued.

The writ petition is disposed of accordingly. There shall be no order as to costs.

08.07.2005

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To

1 Mandal Revenue Officer, Yelamanchilli, Visakhapatnam District.
2 Revenue Divisional Officer, Narsipatanma, Visakhapatnam district.
3 The District Collector, Visakhapatnam district.

4 2 CCs to the Government Pleader for Revenue, High Court Buildings, Hyderabd.

5 2 CD copies.